

**AUTHORIZING THE FILING OF AN APPLICATION FOR FEDERAL SURFACE
TRANSPORTATION PROGRAM FUNDING FOR SOUTH PARK VICTORIA DRIVE PAVEMENT
REHABILITATION AND COMMITTING THE NECESSARY NON-FEDERAL MATCH FOR THE
PROJECT AND STATING THE ASSURANCE OF CITY OF MILPITAS TO COMPLETE THE
PROJECT**

WHEREAS, the Transportation Equity Act for the 21st Century (TEA 21) (Public Law 105-178, June 9, 1998) and the TEA 21 Restoration Act (Public Law 105-206, July 22, 1998) continue the Surface Transportation Program (23 U.S.C. § 133); and

WHEREAS, the TEA-21 legislation will guide Surface Transportation Program until the TEA-21 Reauthorization bill is authorized; and

WHEREAS, pursuant to TEA-21, and the regulations promulgated thereunder, eligible project sponsors wishing to receive Surface Transportation Program grants for a project shall submit an application first with the appropriate metropolitan transportation planning organization (MPO), for review and inclusion in the MPO's Transportation Improvement Program (TIP); and

WHEREAS, the Metropolitan Transportation Commission is the MPO for the San Francisco Bay region; and

WHEREAS, the City of Milpitas is an eligible project sponsor for Surface Transportation Program; and

WHEREAS, the City of Milpitas wishes to submit an application to MTC for funds from the Surface Transportation Program in fiscal year 2005-06 for the following project:

South Park Victoria Drive Pavement Rehabilitation: Roadway improvements on South Park Victoria Drive between Yosemite Drive and Calaveras Boulevard and between Saratoga and Big Basin Drives; and on Calaveras Boulevard between I-680 and S. Park Victoria Drive. Average pavement condition index (PCI) rating is 47. Work will include placing rubberized asphalt concrete overlay, localized full depth AC repairs, cold planing, replacement of traffic detector loops, sealing of cracks and replacement of paint markings.

WHEREAS, MTC requires, as part of the application, a resolution stating the following:

- 1) the commitment of local matching funds of at least 11.47%; and
- 2) that the sponsor understands that the Surface Transportation Program funding is fixed at the programmed amount, and therefore any cost increase cannot be expected to be funded with Surface Transportation Program funds; and
- 3) the assurance of the sponsor to complete the project as described in the application, and if approved, as programmed in MTC's TIP; and
- 4) that the sponsor understands that funds must be obligated by June 30 of the year that the project is programmed for in the TIP, or the project may be removed from the program; and
- 5) that the sponsor has a MTC certified pavement management system (PMS).

NOW, THEREFORE, BE IT RESOLVED by the City Council that the City of Milpitas is authorized to execute and file an application for funding under the Surface Transportation Program of TEA -21 Reauthorization in the amount of \$207,480 for South Park Victoria Drive Pavement Rehabilitation; and

BE IT FURTHER RESOLVED that the City Council by adopting this resolution does hereby state that:

- 1) The City of Milpitas will provide \$562,588 in non-federal matching funds; and
- 2) The City of Milpitas understands that the Surface Transportation Program funding for the project is fixed at \$207,480, and that any cost increases must be funded by the City of Milpitas from local matching funds, and that the City of Milpitas does not expect any cost increases to be funded with Surface Transportation Program funds; and
- 3) South Park Victoria Drive Pavement Rehabilitation will be built as described in this resolution and, if approved, for the amount shown in the Metropolitan Transportation Commission (MTC) Transportation Improvement Program (TIP) with obligation occurring within the timeframe established below; and
- 4) The program funds are expected to be obligated by June 30 of the year the project is programmed for in the TIP.

BE IT FURTHER RESOLVED that the City of Milpitas is an eligible sponsor of projects in the Surface Transportation Program; and

BE IT FURTHER RESOLVED that the City of Milpitas is authorized to submit an application for Surface Transportation Program funds for South Park Victoria Drive Pavement Rehabilitation; and

BE IT FURTHER RESOLVED that there is no legal impediment to the City of Milpitas making applications for Federal STP Road Rehabilitation Program funds; and

BE IT FURTHER RESOLVED that there is no pending or threatened litigation which might in any way adversely affect the proposed project, or the ability of the City of Milpitas to deliver such project; and

BE IT FURTHER RESOLVED that a copy of this resolution will be transmitted to the MTC in conjunction with the filing of the application; and

BE IT FURTHER RESOLVED that the MTC is requested to support the application for the project described in the resolution and to program the project, if approved, in MTC's TIP.

PASSED AND ADOPTED this 21st day of June 2005, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Mary Lavelle, City Clerk

Jose S. Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney